

ABK
F. # 2016R02026

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

STIPULATION AND ORDER

- against -

17 CR 231 (RRM)

JESUS ESPINAL,
also known as "Gordo" and
"Kendall,"

YOO KIM,
also known as "Yogi" and

BRIAN T. WHITE,
also known as "Felipe Segundo,"

Defendants.

-----X

WHEREAS, because the discovery materials to be provided by the government in the above-captioned case contain information related to an ongoing criminal investigation and reveal sensitive (but unclassified) law enforcement techniques, including but not limited to information contained in applications and orders for wire and electronic surveillance, and audio recordings and text messages obtained pursuant to such applications and orders (hereinafter, the "Discovery Materials");

IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned counsel for the above-referenced parties, that:

1. Unless otherwise agreed to in writing, the Discovery Materials can be used by each of the above-named defendants and his defense counsel in this matter only for

purposes of trial preparation, defense at trial against the charges set forth in the above-captioned indictment, and any related appellate matters arising from this case.

2. Each defendant may possess a copy of the Discovery Materials.

3. Absent further order of the Court, each defendant and his defense counsel may not disclose or disseminate the Discovery Materials or any information contained in those materials to anyone who has not signed this Stipulation and Order, other than those of defense counsel's legal staff and any potential or retained expert witnesses, vendors and/or investigators that have been advised of, and agreed to be bound by, the terms of this Stipulation and Order. If any defendant, his defense counsel, or anyone else who has received Discovery Materials from any defendant or his counsel pursuant to the terms of this Stipulation and Order seeks to make further disclosure or dissemination of the Discovery Materials, notice must first be provided to the government and the Court, and such notice must be given sufficiently in advance of the contemplated disclosure or dissemination so as to permit briefing and argument on the propriety thereof.

4. In the event that any defendant seeks to file Discovery Materials with the Court or otherwise use Discovery Materials during a court proceeding, the defendant and his counsel shall (a) comply with Rule 49.1(a) of the Federal Rules of Criminal Procedure, and (b) seek permission from the Court to file redacted versions of the Discovery Materials on the public court docket, unless it is necessary to offer the unredacted version.

5. Each defendant and his counsel will return to the government all copies of the Discovery Materials provided by the government through discovery in this case at the conclusion of this matter, specifically either within seven days of (a) a verdict of acquittal

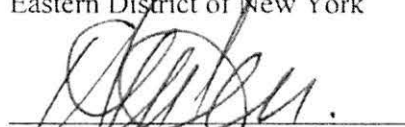
rendered by a jury, (b) the date of sentencing if no appeal is filed or (c) the issuance of an appellate decision rendering a final judgment.

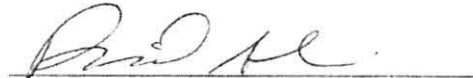
6. Any violation of this Stipulation and Order (a) will require the immediate return to the government of all Discovery Materials, and (b) may result in contempt of Court.


Dated: Brooklyn, New York
June 16, 2017


BRIDGET M. ROHDE
Acting United States Attorney
Eastern District of New York

By:


Ameet B. Kabrawala
Assistant U.S. Attorney


Mitchell C. Elman, Esq.
Counsel to Defendant Jesus Espinal
David Adhemi of Counsel


David Sarratt, Esq.
Counsel to Defendant Yoo Kim


Steven Brounstein, Esq.
Counsel to Defendant Brian T. White

SO ORDERED on June 19, 2017

s/Roslynn R. Mauskopf

HONORABLE ROSLYNN R. MAUSKOPF
UNITED STATES DISTRICT JUDGE